

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ENZO BIOCHEM, INC. and ENZO LIFE
SCIENCES, INC.

Plaintiffs,

v.

PERKINELMER, INC. and PERKINELMER
LIFE SCIENCES, INC.

Defendants.

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No. 03-CV-3817 (RJS)

**MOLECULAR PROBES, INC.’S CROSS-MOTION FOR
AWARD OF COSTS**

Pursuant to Fed.R.Civ.P. 45, third-party Molecular Probes, Inc. (“MPI”), move this Court for an order requiring Plaintiffs Enzo Biochem, Inc. and Enzo Life Sciences, Inc. (collectively, “Enzo”) to remit to MPI all costs associated with MPI’s unnecessary and avoidable travel to Eugene, Oregon, on January 20, 2014 for a document production cancelled by Enzo. This Motion is supported by the Memorandum and Declaration of Kristine E. Johnson filed concurrently herewith.

Dated: February 7, 2014.

Respectfully submitted,

/s/ Kristine E. Johnson

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Attorneys for Third-Party Molecular Probes, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who have appeared and are deemed to have consented to electronic service are being served with a copy of the foregoing document via the Court's CM/ECF system per Local Civil Rule 5.2 on February 7, 2014. Any other counsel of record will be served with a true and correct copy of the foregoing by first-class mail or E-mail.

/s/ Kristine E. Johnson